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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,123

07/18/2006

Simon Jan Ran

2005-1036

5577

466

7590

01/22/2009

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,123	<b>Applicant(s)</b> RAN, SIMON JAN	
	<b>Examiner</b> CHI Q. NGUYEN	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action is in response to applicant's patent application filed on 4/14/2006.

#### ***Status of Claims***

Claims 1-15 have been cancelled.

Newly filed claims 16-30 are pending and have been examined.

#### ***Claim Objections***

Claims 16-30 are objected to because of the following informalities:

Independent claim 16, the preamble should read as --A tile mounting system--

Dependent claims 16-28; the preamble should read as --The tile mounting system--.

Claim 17 recites the limitation "thereagainst" should be --there against--.

Independent claim 29, the preamble should read as --A method for tiling a surface--.

Dependent claim 30, the preamble should read as --The method for tiling a surface as claimed in--.

Appropriate correction is required.

Applicant is advised to replace a phrase "characterized" for --wherein--. Correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 16-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "the grid element" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "a tile compartment" should read as –said tile compartment--.

Claim 19 recites the limitation "the purpose" does not have antecedent basis for this limitation.

Claims 29-30 are drawn to a method for tiling a surface; however there are no method steps cited.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 19, 22-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 6,467,224 to Bertolini.

Claims 16 and 29:

Bertolini discloses a tile mounting system comprising at least one substantially flat grid element 10 comprising a number of mutually intersecting walls 13 which bound tile compartments lying therebetween, characterized in that the grid element is at least

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substantially form-retaining and that the walls are adapted to receive a tile fitting in a tile compartment therebetween (Figs. 1-4).

Claim 19:

Wherein that the grid element 10, for the purpose of receiving a tile thereon, extends partially along the walls 13 within the compartments.

Claims 22-23:

Wherein that the grid element 10 extends partially within the compartments and is provided with fastening provisions for fixing the grid element to a surface for tiling, and wherein that the fastening provisions comprise continuous bores 20 for receiving an anchoring element therein.

Claim 24:

Wherein that the fastening provisions 20 comprise gutters 34 which are arranged in the walls and which open on a rear side of the grid element and are adapted to receive an adhesive therein.

Claim 26:

Wherein that the grid element 10 is provided on a periphery with coupling members 40/42 which are able to co-act with coupling members of a further grid element to form a substantially form-retaining mutual connection (Fig. 1).

Claim 27:

Wherein that the coupling members 40/42 comprise a snap member on a first grid element and a complementary snap cavity on the further grid element which extend

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from outer ends of walls of the two grid elements directed toward each other (see Fig. 1).

Claim 28:

Wherein that the coupling members comprise a groove 40 on a first grid element and a complementary rib on the further grid element which extend from walls of the two grid elements directed toward each other.

Claim 30:

Wherein that the tiles in the compartments are fastened to the grid element (Figs. 8-18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-18, 20-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 6,467,224 to Bertolini in view of US Pat. No. 5,238,721 to Nakazawa.

Bertolini discloses the claimed invention as stated but does not disclose expressly wherein that the walls are provided on their side directed toward a tile compartment with a moisture seal or glue bead for receiving a tile there against and wherein that the moisture seal comprises a flexible strip extending in the tile compartment and a self adhesive layer arranged on a rear side of the grid element.

Nakazawa discloses a mounting tile system, which including a flexible adhesive strip 7

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are provided on tile walls and underlay material or self-adhesive material (Fig. 1, cols. 1-2). In view of Nakazawa, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Bertolini a flexible adhesive strip or glue bead and underlay material or self adhesive to secure adjacent tiles together and seal off any air gap in between the tiles.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/C. Q. N./  
Examiner, Art Unit 3635  
/Richard E. Chilcot, Jr./

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Supervisory Patent Examiner, Art Unit 3635